

**BROKEN ARROW CITY COUNCIL**  
**SECOND AMENDED AGENDA**  
**COUNCIL CHAMBERS**  
**220 SOUTH FIRST STREET**  
**BROKEN ARROW, OKLAHOMA 74012**  
**April 7, 2009**

**6:30 PM**

- 1. Call to Order**
- 2. Invocation**
- 3. Roll Call**
- 4. Pledge of Allegiance to the Flag**
- 5. Consideration of Consent Agenda**
  - A. Approval of the regular meeting minutes of March 17, 2009
  - B. Acceptance of the minutes of the Planning Commission meeting held March 12, 2009
  - C. Approval and authorization to execute a Proclamation declaring the City of Broken Arrow's participation in the National League of Cities (NLC) Prescription Discount Card Program
  - D. Approval of and authorization to execute a Proclamation recognizing Broken Arrow's Annual Senior Celebration Week during April 20-24, 2009
  - E. Approval and authorization to execute Budget Amendment Number 10 for Fiscal Year 2008-2009
  - F. Authorization for the City Manager, or his designee, to perform the closing on a 15-acre tract of land according to the terms of the Option to Purchase Contract
  - G. Authorization for the City Manager, or his designee, to perform the closing on a 70-Acre tract of land according to the terms of the Option to Purchase Contract
  - H. Consideration and possible action on donation of funds by the community to the City of Broken Arrow which would allow employee travel for training
  - I. Approval of and authorization to execute Resolution #577 Approving Participation in the Metropolitan Tulsa Home Consortium and Authorizing the Mayor to Execute a Home Investment Partnership Act Consortium Agreement
  - J. Approval of and authorization to execute a Letter of Understanding between the City of Broken Arrow and ConocoPhillips Pipeline Company
  - K. Approval of and authorization for use of TRACVIEW by the Records Division of the Broken Arrow Police Department
  - L. Approval of sole source purchase of communications equipment upgrades
  - M. Approval of and authorization to purchase of Public Safety Mobile Data System
  - N. Approval of bids received and award of the most advantageous to Becco Contractors for construction of Fairway Park Regional Detention Facility Revision Phase I

- O. Approval of bids received and award of the most advantageous bid for a road repair machine
- P. Approval of PUD 198 and BAZ 1826, 5.48 acres, CN, RM, ON/PUD-31E, 660 feet east of Aspen Avenue (145th East Avenue), north of Houston Street (81st Street)
- Q. Approval of PUD 200, Fairfield Farms II, 11.68 acres, CH/IL/PUD 44 and R-1 (CH/BAZ 1754), south of Southwest Expressway Drive, one-half mile east of Aspen Avenue (145th East Avenue)
- R. Acceptance of a General Warranty Deed from Linda J. Friggel (S14 T18N R14E) (Project: ST0535)
- S. Acceptance of a General Warranty Deed from Jim and Britni Husband (S24 T18N R14E) (Project: ST0528 New Orleans 9th to 23rd)
- T. Acceptance of a Detention Easement, Overland Drainage Easement and a Utility Easement from Ronald E. Smith Trust (S4 T18N R14E) (Project: Kenosha Landing)
- U. Acceptance of a Utility Easement, Overland Drainage Easement and a Mutual Access Easement from Ronald E. Smith Trust (S4 T18N R14E) (Project: Kenosha Landing)
- V. Acceptance of a Utility Easement from Ronald E. Smith Trust (S4 T18N R14E) (Project: Kenosha Landing)
- W. Acceptance of a Utility Easement 1.A from Perkins & Brown Development LLC (S35 T19N T14E) (Project: Elm pl Ext, FAA Site to Omaha)
- X. Acceptance of a Utility Easement 2.A from Perkins&Brown Development LLC (S35 T19N R14E) (Project: Elm Pl Ext FAA Site to Omaha)
- Y. Acceptance of a Utility Easement 3.A from Perkins&Brown Development LLC (S34 T19N R14E)(Project: Elm Pl Ext FAA Site to Omaha)
- Z. Acceptance of a Utility Easement 4.A from Perkins&Brown Development LLC
- AA. Approval of Final Acceptance Public Improvements for Aspen Pond
- BB.Approval of the Claims List

**6. Consideration of Items Removed from Consent Agenda**

**7. Public Hearings, Appeals, Presentations, Recognitions, Awards and Oaths**

- A. Public Hearing: A public hearing on improvements to the waterline and water system improvements along 140th East Avenue from Florence Street extending approximately 1/2 mile south, including a review of written protests and consideration of oral protests, and Council determination of the sufficiency or insufficiency of the same
- B. Proclamation - Approval of and authorization to execute a Proclamation declaring the week of April 12-18, 2009 as "National Public Safety Telecommunicators Week"
- C. Proclamation: Approval and authorization to execute a Proclamation declaring the May 4-10 2009 as Youth Week
- D. Presentation of Certificate of Recognition and Appreciation for service on the Youth City Council

- E. Presentation of City of Broken Arrow Service Awards to Elected and Appointed Officials and Presentation of OML Honor Roll of Service Awards to Employees and Officials Achieving 25 Years of Oklahoma Municipal Government Service.
  - F. Presentation of Proposed Identity Theft Prevention Program
- 8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services (approximately 7:00 p.m.)**
- 9. General Council Business**
- A. Acceptance of a Temporary Construction Easement from Phil and Sharon Frazier (S33 T18N R14E) (Project: S 140 E Ave Waterline #WL0903)
  - B. Acceptance of a Utility Easement from Phil and Sharon Frazier (S33 T18 R14E) (Project: S 140 E Ave Waterline #WL0903)
  - C. Acceptance of a Utility Easement from William Gregory Field Pope (S33 T18N R14E)(Project: S 140 E Ave Waterline #WL0903)
  - D. Approval of and authorization to execute a Memorandum of Understanding between the City of Broken Arrow and the City of Tulsa
  - E. Consideration and approval of an agreement with Sandlane Investment Company for the transfer of property along Covington Creek for Floodplain Storage
  - F. Consideration and approval of a request by the Broken Arrow Chamber of Commerce to host the 2009 Rooster Days Festival in Central Park
  - G. Approval of a Resolution of the City Council of the City of Broken Arrow designating \$1,833,781.00 of the residual and surplus funds resulting from the termination of the Defined Benefit Plan for Retirees of the City of Broken Arrow as economic development funds to be used for the purpose of acquiring certain real property located North of the Creek Turnpike and either side of Aspen Avenue for purposes of certain Oklahoma Turnpike Authority Creek Turnpike facilities; authorizing the transfer of a portion of such funds in the amount of \$1,390,609.38 to the Broken Arrow Economic Development Authority for the purpose of acquiring a certain 25.48 acre tract of land located North of the Creek Turnpike and West of Aspen Avenue; ratifying all previous funds transfers related thereto; and approving Budget Amendment Number 11 for such purposes
- 10. City Manager's Report**
- 11. Preview Ordinances**
- A. An ordinance amending Chapter 2, Article IX, Section 2-170 pertaining to Disciplinary Action and Repealing all ordinances to the Contrary and Declaring an Emergency.
  - B. An ordinance amending Chapter 23, Article I, Section 23-37 pertaining to Use of child passenger restraining system required and Repealing all Ordinances to the Contrary and Declaring an Emergency
- 12. Ordinances**
- A. Adoption of Ordinance No. 3014 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931, approving BAZ 1779, granting R-1 zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

- B. Adoption of Ordinance No. 3019 amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 2931) approving BAZ 1758, granting RS-3 zoning to be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.
- C. Adoption of Ordinance No. 3027 - An ordinance closing a utility easement and overland drainage easement located in Reserve K, Iron Horse Ranch

**13. Remarks and Inquiries by Governing Body Members**

- 14. Executive Session for the purpose of confidential communications between the City Council, the City Manager, the Assistant City Manager and the City Attorney for the purpose of conferring on and discussing contract negotiations concerning the IAFF and FOP employee groups under 25 O.S. § 307(B)(2); the purchase and appraisal of real property for the conference center proposed to be located north of Albany and east of Elm in Stonewood Hills under 25 O.S. § 307(B)(3); litigation concerning a possible disclaimer in the case of Bank of Oklahoma, N.A. v. Randy E. Davenport, et al., Tulsa County District Court Case Number CJ-2009-01586; and settlement offers in the cases of City of Broken Arrow v. Gloria Mayfield, et al., Tulsa County District Court Case Number CJ-2008-1625; City of Broken Arrow v. Jack Parrott, et al., Tulsa County District Court Case Number CJ-2008-1624; and City of Broken Arrow v. Lenard Poplin, et al., Tulsa County District Court Case Number CJ-2007-7889 under 25 O.S. § 307(B)(4); and discussing a pending investigation and possible claim or litigation concerning 2004 street bond projects and the conference center bond issue under 25 O.S. § 307(B)(4). The Council is advised that disclosure will seriously impair the ability of the public body to process the pending litigation and investigation and possible claim or litigation in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.**

**15. Adjournment**

**NOTICE:**

All cell phones and pagers must be turned OFF or operated SILENTLY during Council meetings.

Exhibits, petitions, pictures, etc., presented to the authority shall be received and deposited in case files to be kept at the Broken Arrow City Hall.

If you are a person with a disability and need some accommodation in order to participate in this meeting, please contact the City Clerk at 918-259-2400 Ext. 5418 to make arrangements.

POSTED this \_\_\_\_ day of \_\_\_\_\_, 2009, at \_\_\_\_\_ a.m./p.m.

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City Clerk